

# Pepper Hamilton LLP

Attorneys at Law

Suite 200  
100 Market Street  
P.O. Box 1181  
Harrisburg, PA 17108-1181  
717.255.1155  
Fax 717.238.0575  
www.pepperlaw.com

## FAX INFORMATION SHEET

Date: April 8, 2016  
ID Number:  
Identifier:

<u>Recipient's Name</u>	<u>Company</u>	<u>Phone Number</u>	<u>Fax Number</u>
Chief Judge Christopher C. Conner	U.S. District Court Middle District of Pennsylvania	(717) 221-3945	(717) 221-3949

Sender: Thomas B. Schmid, III  
Sender's Direct Phone: (717) 255.1164  
Sender's E-mail Address: schmidt@pepperlaw.com

Total pages including cover: 4

Comments: PLEASE SEE ATTACHED.

An original or a copy has been sent to you by mail ☐ or by overnight service ☐ or by email ☐.

If total pages are not received, or an error occurred during this transmission,  
please call the sender at the direct line listed above.

## CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information from the law firm of Pepper Hamilton LLP which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited, and that the documents should be returned to this Firm immediately. In this regard, if you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

### Operator's Use Only

Start Time: : am ☐ pm ☐ End Time: : am ☐ pm ☐

Operator:

**Pepper Hamilton LLP**  
Attorneys at Law

3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799  
215.981.4000  
Fax 215.981.4750

Eric S. Wolfish  
direct dial: 215.981.4923  
wolfishe@pepperlaw.com

April 8, 2016

**VIA FACSIMILE**

Chief Judge Christopher C. Conner  
United States Judge for the Middle District of Pennsylvania  
Ronald Reagan Federal Bldg. & U.S. Courthouse  
228 Walnut Street  
Harrisburg, PA 17101

Re: ***Richard Hollihan v. Pennsylvania Department of Corrections, et. al.***  
3:15-CV-00005 (M.D. Pa.)

Dear Judge Conner:

On February 8, 2016, the Court granted the parties' joint motion to stay pretrial deadlines, entered a stay of all pretrial deadlines pending the conclusion of settlement negotiations, and ordered that counsel submit a report advising the Court of the status of settlement negotiations on or before April 8, 2016 [Dkt. No. 91].

During the stay period, Plaintiff has conducted separate settlement negotiations with Jessica Davis, counsel for Defendants Pennsylvania Department of Corrections, John E. Wetzel, and Brian Hyde (collectively, the "DOC"), and Michael Hamilton, counsel for Defendants Wexford Health Sources, Inc., Dr. Donald Kern, Dr. Rashida Mahmud, and Dr. John Robinson (collectively, "Wexford").

**I. NEGOTIATIONS WITH DOC**

During the stay period, Plaintiff and DOC have engaged in extensive negotiations and are proceeding on the path towards reaching a settlement. Following numerous phone calls and email exchanges, the parties have agreed to most of the essential terms of a settlement. The parties request that the stay remain in place so that they may continue to negotiate remaining terms and draft the settlement agreement.

Philadelphia	Boston	Washington, D.C.	Los Angeles	New York	Pittsburgh
Detroit	Berwyn	Harrisburg	Orange County	Princeton	Silicon Valley
					Wilmington



Page 2  
April 8, 2016

Counsel for DOC agrees to the foregoing description of the status of settlement negotiations and also requests that the stay remain in place.

## **II. NEGOTIATIONS WITH WEXFORD**

On January 27, 2016, Plaintiff presented his settlement demand to Mr. Hamilton, who stated that he would pass it along to his client.

On February 5, 2016, Plaintiff asked Mr. Hamilton when to expect a response to his settlement demand. On the same day, Mr. Hamilton stated that Plaintiff should expect a response "[h]opefully sometime next week."

On February 19, 2016, Plaintiff followed up on the status of Wexford's response to his settlement demand, and the parties then had a call to discuss settlement. Wexford did not counter Plaintiff's demand, but instead raised the possibility of an entirely different type of settlement. After discussing Wexford's proposal internally, Plaintiff concluded that it would not be feasible.

On February 22, 2016, the parties discussed the problematic issues related to Wexford's proposal, and Mr. Hamilton stated that he would present Plaintiff's original settlement demand to his client.

By email on March 3 and March 10, Plaintiff inquired about the status of Wexford's consideration of his settlement demand. Plaintiff called Mr. Hamilton on March 15, but did not receive a response. On March 29, Plaintiff left a voicemail with Mr. Hamilton asking if he would be interested in mediation and reminding him that a status report to the Court was due on April 8. Despite Plaintiff's multiple inquiries, Wexford has failed to respond for over six weeks and appears to have broken off communications.

Accordingly, Plaintiff requests that the stay be lifted as to Wexford, unless Wexford consents, by April 15, to attend mediation on a mutually-agreeable date on or before June 7, 2016.

## **III. RELIEF REQUESTED**

For the foregoing reasons, Plaintiff respectfully requests that:

1. The stay of pretrial deadlines remain in place as to the DOC. Pursuant to the Court's February 8, 2016 Order, counsel will file a status report on or before Tuesday, June 7, 2016.

**Pepper Hamilton LLP**  
Attorneys at Law

Page 3  
April 8, 2016

2. The stay of pretrial deadlines be lifted as to Wexford on April 15, unless Wexford consents to conducting a mediation on a mutually-agreeable date or before June 7, 2016. Should the stay be lifted as to Wexford, Plaintiff respectfully requests that his deadline to file an amended pleading remain stayed pending the conclusion of settlement negotiations with DOC. *See* Dkt. No. 99.

Respectfully,

*Eric Wolfish*

Eric S. Wolfish

*Attorney for Plaintiff Richard Hollihan*

cc: Counsel of Record (by email)